

CWP-10065-2026 & CWP-10114-2026

2026:PHHC:052198



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

127+133

Date of Decision: 06.04.2026

1.

CWP-10065-2026

Rajesh Kumar and others

.....Petitioners

VERSUS

Dakshin Haryana Bijli Vitran Nigam

..Respondent

2.

CWP-10114-2026

Mukesh Kumar and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. R.K. Malik, Sr. Advocate with Mr. Sandeep Dhull,
Advocate for the petitioners in CWP-10065-2026.

Mr. Nikhil Lather, Advocate for the petitioners in CWP-10114-2026.

Mr. Saurabh Girdhar, AAG, Haryana-State in CWP-10014-2026.

Mr. R.K Chaudhary with Mr. Sukhdeep Parmar, Advocates for the respondent in CWP-10065-2026.

Mr. Prince Singh, Advocate for respondents No.2 to 4 in CWP-10114-2026.

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**HARPREET SINGH BRAR, J. (Oral)**

1. This order shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-10065-2026**.

2. The present writ petition(s) has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ or order in the nature of *certiorari* to quash the action of respondent by which the representation of petitioners dated 21.08.2023 (Annexure P-4) has been filed. Further praying for issuance of a writ in the nature of *mandamus* directing the respondent to consider the claim of the petitioners under Old Pension Scheme.

3. Learned Senior Counsel for the petitioners, *inter alia*, contends that the petitioners had applied pursuant to Advertisement No.08/2004 dated 28.10.2004 for recruitment to 776 posts of Assistant Linemen, which were subsequently increased to 1373 posts vide corrigendum dated 08.11.2004. It is submitted that the said posts were thereafter re-advertised on 19.10.2006 with a specific stipulation that candidates who had applied earlier would also be considered eligible against the re-advertised posts. The petitioners were ultimately appointed and joined the post of Assistant Linemen between 21.08.2007 and 27.08.2007. It is further contended that the Government of Haryana, Department of Finance, issued a circular dated 08.05.2023 (Annexure P-3), clarifying that employees recruited against posts advertised

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on or before 28.10.2005 shall be governed by the Old Pension Scheme. Learned Senior Counsel submits that the controversy involved in the present case is squarely covered by the judgment of the Delhi High Court in ***Dr. Davinder Singh Brar vs. Union of India, WP (C) No.756 of 2020***, decided on 28.01.2020 (Annexure P-1), wherein it has been held that where the advertisement was issued during the subsistence of the Old Pension Scheme, the appointees would be governed by the said scheme notwithstanding the fact that their appointments were made after the introduction of the New Pension Scheme. The said judgment was upheld by the Hon'ble Supreme Court in ***Union of India and others vs. Dr. Davinder Singh Brar, SLP (C) No.173 of 2021***, decided on 04.02.2021 (Annexure P-2).

3.1 It is also submitted that the petitioners had submitted representations dated 21.08.2023 and 22.08.2005 (Annexures P-4 and P-5), which have not been considered by the respondents. Learned Senior Counsel argues that since the petitioners had applied pursuant to the advertisement dated 28.10.2004, when the Old Pension Scheme was in force, and the re-advertisement dated 19.10.2006 expressly preserved the eligibility of earlier applicants, the petitioners are entitled to be governed by the Old Pension Scheme. It is further contended that the Board of Directors of the Nigam took a decision to adopt the New Pension Scheme only on 31.08.2009 (Annexure P-6), for employees appointed on or after 01.01.2006. However, the petitioners had joined service in August, 2007, at a time when the Old

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Pension Scheme was still in operation qua such posts, and therefore, their vested right cannot be taken away retrospectively. In support of the aforesaid submissions, reliance has also been placed upon the judgment of this Court in *CWP No.29326 of 2025 and connected matters, Rupinder Kumar and others vs. State of Punjab and others*, decided on 10.02.2026.

4. Learned Senior counsel for the petitioner at this stage submits that he would be satisfied if a direction is issued to the respondent to decide the representation dated 21.08.2023 (Annexure P-4) by passing a speaking order in a time bound manner in the light of judgment passed in *Dr. Davinder Singh Brar (supra)* (Annexure P-1), office memorandum dated 08.05.2023 (Annexure P-3) and judgment passed by this Court in *Rupinder Kumar (supra)* (Annexure P-8).

5. Notice of motion.

6. Mr. R.K. Chaudhary, Advocate, waives service of notice on behalf of the respondent in CWP-10065-2026. Mr. Saurabh Girdhar, learned AAG, Haryana, accepts notice on behalf of respondent No.1 in CWP-10114-2026, and Mr. Prince Singh, Advocate, has put in appearance on behalf of respondents No.2 to 4 in CWP-10014-2026.. They submits that they have no objection in case a direction is issued to the respondent(s)/competent authority to hear and decide the representation dated 21.08.2023 (Annexure P-4) by passing a speaking order in a time bound manner in the light of

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judgment passed in ***Dr. Davinder Singh Brar (supra)*** (Annexure P-1), office memorandum dated 08.05.2023 (Annexure P-3) and judgment passed by this Court in ***Rupinder Kumar (supra)*** (Annexure P-8). .

7. In view of the limited prayer made by counsel for the petitioners without commenting upon the merits of the case, both the petitions are disposed of and the respondent/competent authority is directed to hear and decide the representation dated 21.08.2023 (Annexure P-4) by passing a speaking order in a time bound manner in the light of judgment passed in ***Dr. Davinder Singh Brar (supra)***, office memorandum dated 08.05.2023 and judgment passed by this Court in ***Rupinder Kumar (supra)***, within a period of three months from the date of receipt of certified copy of this order.

8. Needless to say, if the petitioners are found entitled to the relief sought, the same be granted to them forthwith by respondent/competent authority.

9. Pending miscellaneous application(s), if any, shall also stands disposed of.

10. Photocopy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

06.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No